

Remarks

Claims 1, 8, 23, 25, 29, 32, 33 and 35 have amended, claim 34 has been canceled and new claims 36-51 have been added. Review and reconsideration are respectfully requested.

Claim 23 is rejected under 35 U.S.C. §112 on the basis that "said inner rung portions" and "outer rung portions" do not have an antecedent basis. Accordingly, claim 23 has been amended to address this rejection.

Claims 1, 5, 6, 7, 14, 29, 30, 32 and 35 are rejected as being anticipated by U.S. Pat. No. D121,112 to Deja. Accordingly, claim 1 has been amended to specify that at least one of the inner rungs, or at least one of the outer rungs, or at least one of the struts is removably coupled to the associated component. In contrast, in the Deja patent, what has been construed as the outer rungs, inner rungs and struts are not disclosed to be removably coupled, and instead appear to be permanently attached such as by welding or the like. Thus, it is submitted that amended claim 1 defines over the Deja reference.

Independent claim 29 has been amended to specify that the coupling steps involve releasably coupling the inner and outer rungs, respectively. Independent claims 32 and 35 have been amended in a manner similar to claim 1. Thus, it is submitted that the independent claims rejected over the Deja reference (claims 1, 29, 32 and 35) now define over that reference.

Claims 1-6, 8, 10, 12, 19, 20, 22-31 and 33-35 are rejected as being anticipated by U.S. Pat. No. 2,299,021 to Hoffman. As outlined above, claim 1 has been amended to specify that at least one of the inner rungs, or at least one of the outer rungs, or at least one of the struts is removably coupled to the associated component. In contrast, the Hoffman reference does not disclose this feature. Indeed, as discussed at page 2, lines 1-6, the Hoffman reference discloses that tacks or nails 15' can be passed through the adjacent cords and the front and rear member 13, 13a, and such nails 15' prevent de-coupling of the device. Thus, it is submitted that amended claim 1 defines over the Hoffman reference. Independent claims 29, 32 and 35 are submitted to define over the Hoffman reference for similar reasons.

Independent claim 23 specifies that the struts are rigid. Support for this amendment can be found in paragraphs 27 (page 7), 23 (page 6) and 36 (page 10) of the original application. In contrast, the vertical members 10, 10a of the Hoffman reference are made of a flexible, foldable or collapsible material such as cord material (see page 1, right-hand column, lines 22-24 of the

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Hoffman reference). The flexible nature of the cords 10, 10a is to be contrasted with the rods 13, 13a, 14, 14a which are specifically identified to be rigid (page 1, right-hand column, line 48). The cord members 10, 10a are indicated to be flexible and collapsible so that the shoe rack can be easily collapsed for storage (page 2, left-hand column, line 27 – page 2, right-hand column, line 3; see also page 1, left-hand column, lines 43-50). Thus, it is submitted that claim 23 defines over the Hoffman reference.

Independent claim 33 has been amended to include the subject matter of claim 34, and claim 34 has been cancelled. In addition, claim 33 has been amended to specify that the vertically-extending connectors are rigid. Thus, it is submitted that amended claim 33 defines over the Hoffman reference.

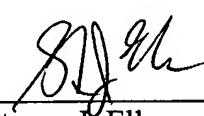
New claims 36-50 depend from the various independent claims and add further limitations to distinguish over the Deja and Hoffman references.

Finally, new independent claim 51 corresponds to claim 15 cast in independent form. At paragraph 5 of the Office action, it is indicated that claim 15 (among other claims) would be allowable if rewritten in independent form.

Accordingly, it is submitted that the application is now in a condition for allowance, and a formal notice thereof is respectfully solicited.

The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809.

Respectfully submitted,



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